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MITIGATED NEGATIVE DECLARATION

October 28, 2010

Project Name: Los Willows Outdoor Event Facility Major Use Permit

Project Number: 3300 03-127 (P), ER10-02-009

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for fire protection planning, biological resources, traffic impacts, drainage, stormwater management and noise.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

[TRANSPORTATION / TRAFFIC]

- A. TRANSPORTATION IMPACT FEE:** The payment of the Transportation Impact Fee, which would be required at issuance of building permits, in combination with other components of this program, would mitigate potential cumulative traffic impacts to less than significant.

[BIOLOGICAL RESOURCES]

- B. BIOLOGICAL EASEMENT: Intent:** In order to protect sensitive biological resources, pursuant to the [Resource Protection Ordinance \(RPO\)](#) and CEQA, a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego and the California Department of Fish and Game by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on the approved Plot Plan for P03-127. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997 (<http://www.sdcounty.ca.gov/dplu/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.

2. Ongoing use, maintenance, repair and replacement* of the existing structures, facilities and parking areas, only to include those existing structures, facilities and parking areas expressly permitted by the Major Use Permit P03-127 as shown on the approved plot plan. New construction and/or expansion of structures, facilities and/or parking areas are prohibited within the Biological Open Space Easement. *Any replacements shall be limited to the approved footprint (square footage and placement) as shown on the approved plot plan.
3. Construction, use, maintenance, repair and replacement of septic systems and drainage facilities, in the locations shown on the approved plot plan for P03-127.
4. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.
5. Passive recreation and maintenance limited to trails, maintenance paths, foot and utility vehicle bridges, and parking areas.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *DGS, Real Property Division*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to *DPLU, Permit Compliance Coordinator* for approval. **Timing:** Within 60 days of approval of this permit and prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded.

Monitoring: The *DGS, Real Property Division* shall prepare and approve the easement documents and send them to *DPLU, Permit Compliance Coordinator* for pre approval. The *DPLU, Permit Compliance Coordinator* shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *DGS, Real Property Division* shall forward a copy of the recorded documents to *DPLU, Permit Compliance Coordinator* for satisfaction of the condition.

[HAZARDS / FIRE PROTECTION]

- C. FIRE PROTECTION PLAN: Intent:** In order to assure fire safety in compliance with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall be maintained in conformance with the approved Fire Protection Plan. **Description of requirement:** The following measures approved in the Fire Protection Plan shall be implemented and maintained:
- a. Vegetation Management: Vegetation management of Zone 1 (within 50 feet of the Pavilion and Office), Zone 2 (between 50 and 100 feet from the Pavilion and Office) and Roads and Driveways (20 feet of Zone 1 type management) as described in the approved Fire Protection Plan and shown on the associated Fire Protection Plan Map.
 - b. Ignition Resistant Construction: The office building (building #3) shall be retrofitted with enhanced fire resistive improvements as required to fully comply with County Building and Fire Codes as a Temporary Safe Refuge Facility as described in Section 4.4.1a of the approved Fire Protection Plan.
 - c. Gates: The three gates (southern entrance, southern exit and northern) shall be equipped with Knox Key Override devices, open full code width and meet UL 325 specifications.
 - d. Turnarounds: The three turnarounds must be improved and located as shown on the plot plan (hammerhead turnarounds located south of the northern gate and south of the southern exit gate and circular turnaround with 70 foot diameter north of the Pavilion).
 - e. Fire Coordinator: Assign a Fire Coordinator. This person must be a top level employee responsible for ensuring full compliance with the Fire Protection Plan. The assignment of Fire Coordinator may be by name or title.

Documentation: The applicant shall provide documentation (inspection report from the *fire agency having jurisdiction*) that demonstrates compliance with the FPP. **Timing:** Within 270 days of approval of this permit and prior to occupancy of the first structure built / permitted by building permit in association with this permit, the FPP requirements shall be implemented. **Monitoring:** The *DPLU, Permit Compliance Coordinator*

shall verify that the mitigation measures have been initially implemented pursuant to the approved building plans and the fire protection plan.

[HAZARDS / FIRE PROTECTION]

- D. ON-GOING FIRE PROTECTION:** **Intent:** In order to comply with the [County of San Diego Fire Code Sections 96.1.4703 and 96.1.4707](#), the site shall comply with the approved Fire Protection Plan. **Description of requirement:** On or before June 1st of each year the permittee shall submit an annual inspection report from the North County Fire Protection District evidencing that the following measures have been implemented:
- a. Vegetation Management: Vegetation management of Zone 1 (within 50 feet of the Pavilion and Office), Zone 2 (between 50 and 100 feet from the Pavilion and Office) and Roads and Driveways (20 feet of Zone 1 type management) as described in the approved Fire Protection Plan and shown on the associated Fire Protection Plan Map.
 - b. Gates: Maintenance of the three gates (southern entrance, southern exit and northern) such that they are in compliance with the Fire Protection Plan.
 - c. Turnarounds: The three turnarounds must be maintained and located as shown on the plot plan (hammerhead turnarounds located south of the northern gate and south of the southern exit gate and circular turnaround with 70 foot diameter north of the Pavilion).
 - d. Fire Coordinator: Maintain and update the assignment of a Fire Coordinator as necessary. This person must be a top level employee responsible for ensuring full compliance with the Fire Protection Plan. The assignment of Fire Coordinator may be by name or title.
 - e. Contact Information Verification: All contact information, including fire service contact phone numbers and website addresses, must be kept current.
 - f. Fire Coordinator Log: The Fire Coordinator shall maintain a log that keeps track of red flag events, summary of Fire Coordinator actions during the year, employee training records, and verification log to

track the appropriate distribution of Fire Evacuation Educational Materials to event attendees.

- g. Event Cancellation Policy: The Fire Coordinator shall be responsible to ensure full compliance with the event cancellation / relocation policy described in the Fire Protection Plan.

Documentation: Prior to June 1st of each year, the Fire Coordinator shall obtain an Annual Certification checklist from the North County Fire Protection District which indicates compliance with Fire Protection Plan. This shall be addressed annually for the life of this permit. Records of the Annual Certification shall be made available to the County upon request.

Timing: The Annual Certification inspection shall be performed year on or before June 1st. Upon establishment of the use, the Fire Protection Plan shall be complied with for the term of this permit. **Monitoring:** The applicant shall maintain records of the Annual Certification and provide them to the County upon request. The *DPLU, Codes Enforcement Division* is responsible for enforcement of this permit. The *fire authority having jurisdiction* shall be responsible for long-term implementation of fire clearing requirements.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. **INSPECTION FEE: Intent:** In order to comply with Zoning Ordinance Section 7362.e the Discretionary Inspection Fee shall be paid.
Description of Requirement: Pay the Discretionary Permit Inspection Fee at the *DPLU, Zoning Counter* and schedule an appointment for a follow up inspection with the County Permit Compliance Officer to review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. **Documentation:** The applicant shall provide a receipt showing that the inspection fee has been paid. The applicant shall also schedule the follow up inspection with the *DPLU, Permit Compliance Coordinator*. **Timing:** Within 270 days of approval of this permit and prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **Monitoring:** The *DPLU, Zoning Counter* shall process an

invoice and collect the fee for the Use Permit Compliance Inspection Fee. Upon collection of the fee, an inspection milestone shall be entered to schedule an inspection six months from the date that occupancy or use of the site was established. The permittee contact information shall be updated in the County permit tracking system, and the *DPLU, Permit Compliance Coordinator* should be notified. The *DPLU, Permit Compliance Coordinator* shall contact the permittee and schedule the initial inspection.

- B. SITE PLAN IMPLEMENTATION: Intent:** In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **Description of Requirement:** The site shall conform to the approved plot plan and the building plans. This includes, but is not limited to the following:
- a. Improve all parking areas, turnarounds and driveways as shown on the plot plan
 - b. Obtain the listed permit(s) for each of the following structures (the numbers reference each building's number as shown on the approved plot plan):
 - 1 Landscape Equipment – Building Permit with Electrical (if needed for tenant improvements)
 - 3 Office – Building Permit (if needed for tenant improvements)
 - 5 Pavilion - Building Permit with Electrical
 - 6 Black Tie Restroom – Building Permit
 - 7 Gazebo – Building Permit with Electrical
 - 12 Storage Modular – Building Permit
 - 13 Appetizer & Beverage – Building Permit with Electrical and Plumbing
 - c. Install all required and approved signage including “Right Turn Only” for exit of northern gate, “Reserved Parking” for handicap spaces and “Fire Lane, No Parking” at each of the two hammerhead turnarounds.
 - d. Remove all temporary construction facilities from the site.

Documentation: The applicant shall ensure that the site conforms to the approved plot plan and building plans. **Timing:** Within 270 days of approval of this permit and prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to

the approved plans. **Monitoring:** The *DPLU Building Inspector* shall inspect the site for compliance with the approved Building Plans.

- C. SITE CONFORMANCE: Intent:** In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **Description of Requirement:** The project shall conform to the approved building plans and plot plan. This includes, but is not limited to maintaining the following: all parking areas and driveways, landscaping, aesthetics design features, lighting, walls/fencing and required signage. Failure to conform to the approved plot plan; is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **Documentation:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **Timing:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **Monitoring:** The *DPLU, Codes Enforcement Division* is responsible for enforcement of this permit.
- D. ANNEX TO LIGHTING DISTRICT: Intent:** In order to promote orderly development and to comply with the Street Lighting Requirements of the [County Centerline Ordinance Section 51.511.1](#) and [The County of San Diego Public Road Standards](#), the property shall transfer into the lighting district. **Description of requirement:** Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer. **Documentation:** The applicant shall pay the Zone A Lighting District Annexation Fee at the *DPLU, Zoning Counter*. The applicant shall provide the receipt to *DPLU, Permit Compliance Coordinator*. **Timing:** Within 270 days of approval of this permit and prior to occupancy of the first structure built in association with this permit or use in the premises in reliance of this permit, the fee shall be paid. **Monitoring:** The *DPLU, Zoning counter* shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.
- E. ENCROACHMENT PERMIT: Intent:** In order to promote orderly development and to comply with the [County Public Road Standards](#), any object proposed within the road right of way shall be permitted. **Description of requirement:** all the unpermitted off-site signs within the public right of way shall be removed or obtained encroachment permits to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall obtain the encroachment permit at Construction/Road right-of-way Permits Services Section, (858) 694-3275 for all the unpermitted signs within the right of way. **Timing:** Within 270 days of approval of this permit and prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the encroachment permit shall be obtained. **Monitoring:** The *DPW, Land Development Project Review Team* shall review that the permit is complying with this condition.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Jarrett Ramaiya, Planning Manager
Project Planning Division

JR:AJG